

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600

www.montgomerycountymd.gov/content/council/boa/board.asp

Case No. S-2650

PETITION OF S. SAQIB ALI AND SUSAN C. ALI

OPINION OF THE BOARD

(Opinion Adopted November 16, 2005)

(Effective Date of Opinion: December 1, 2005)

Case No. S-2650 is an application for a special exception pursuant to Section 59-G-2.00 of the Zoning Ordinance to permit an accessory apartment. The subject property is Lot 34, Block C, Quince Haven Subdivision, located at 12504 Degas Court, North Potomac, Maryland, 20878.

The Hearing Examiner for Montgomery County held a hearing on the application on September 19, 2005, closed the record in the case on September 25, 2005, and on October 26, 2005, issued a Report and Recommendation for approval of the special exception.

Decision of the Board: Special Exception **granted**, subject
to the conditions enumerated below.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on November 16, 2005. After careful consideration and review of the record in the case, the Board adopts the Report and recommendation and grants the special exception subject to the following conditions:

1. Petitioners are bound by their testimony and exhibits of record to the extent that such testimony and evidence are identified in the Hearing Examiner's Report and Recommendation and in the opinion of the Board.
2. The accessory apartment may be inhabited by no more than two unrelated persons, or a family of no more than four persons.

3. On-street parking by occupants of the main dwelling and the accessory apartment must be limited, collectively, to a total of no more than two vehicles. All additional vehicles must be parked on-site.
4. Per Code § 59-G-2.00(b)(1), Petitioner must occupy one of the dwelling units on the subject property.
5. Per Code § 59-G-2.00(b)(3), Petitioner must not receive compensation for more than one dwelling unit on the subject property.
6. Petitioners must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein, and shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

On a motion by Wendell M. Holloway, seconded by Donna L. Barron, with Angelo M. Caputo, Caryn L. Hines and Allison Ishihara Fultz, Chair in agreement, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.



Allison Ishihara Fultz
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
This 1st day of December, 2005.

Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.